

3-25-08 BTB136591

65100/1134LIT-4763

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, not individually but as Trustee)	
of PLUMBERS' PENSION FUND, LOCAL 130, U.A.,)	
PLUMBERS' WELFARE FUND, LOCAL 130, U.A.,)	
THE TRUST FUND FOR APPRENTICE AND)	No. 08 C 1035
JOURNEYMEN EDUCATION AND TRAINING,)	
LOCAL 130, U.A., and CHICAGO JOURNEYMEN)	
PLUMBERS' LOCAL UNION 130, U.A.,)	
GROUP LEGAL SERVICES PLAN FUND,)	
)	Judge Charles R. Norgle
Plaintiff,)	
)	Magistrate Judge
v.)	Nan R. Nolan
)	
HOWE PLUMBING, INC., an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR DEFAULT JUDGMENT

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI and BRIAN T. BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, moves the Court to enter Default Judgment in favor of Plaintiff and against Defendant, HOWE PLUMBING, INC. In support hereof, Plaintiff states:

1. Plaintiff filed the Complaint on February 20, 2008, seeking judgment against Defendant for an accounting, monthly reporting, and payment of unpaid contributions and other damages under Defendant's collective bargaining agreement with Chicago Journeymen Plumbers' Union Local 130, U.A., and ERISA, 29 U.S.C. §§ 1132 and 1145, and LMRA, 29 U.S.C. § 185.

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2. Defendant was served with process on March 4, 2008. For the Court's convenience, a true and correct copy of the Return of Service is attached hereto as Exhibit A.

3. Defendant was required to appear and answer on or before March 24, 2008.

4. Defendant has not filed an appearance or answer, and is in default.

5. Plaintiff requests that the Court enter the proposed order attached hereto as Exhibit B.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Default Judgment in favor of Plaintiff and against Defendant, HOWE PLUMBING, INC., providing the following:

- a. Requiring that, within 21 days of entry of judgment, Defendant submit to auditors designated by Plaintiff all books, records, and other information that such auditors may reasonably request for the purpose of an audit verifying Defendant's compliance with its contribution and other obligations under its collective bargaining agreement with Union during the period from April 1, 2006, to the present;
- b. Enjoining and ordering Defendant to fully complete and submit to Union within 21 days of entry of judgment all delinquent monthly contribution reports, and to continue to timely submit such reports while this action is pending and in the future;
- c. Retaining jurisdiction to enforce the provisions of such judgment and to enter supplemental judgment(s) in favor of Plaintiff and against Defendant for all unpaid contributions and other amounts shown to be due and owing under the collective bargaining agreement, ERISA, and/or LMRA, including but not limited to interest, liquidated damages, audit costs, attorneys' fees, and court costs; and
- d. Awarding in favor of Plaintiff and against Defendant such other and further relief as the Court deems just and equitable.

JAMES T. SULLIVAN, etc., by his
attorneys, DOUGLAS A. LINDSAY, JOHN
W. LOSEMAN, LISA M. SIMIONI, and
BRIAN T. BEDINGHAUS

By: s/ Brian T. Bedinghaus
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PROOF OF SERVICE

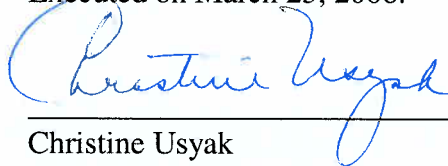
I served a copy of the foregoing Motion for Default Judgment upon:

Howe Plumbing, Inc.
c/o Its Registered Agent, John D. McShane
6904 W. Cermak Rd.
Berwyn, IL 60402

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Chicago, Illinois on March 25, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2008.


Christine Usyak

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